

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

**IRAIDA LIMA-RIVERA, et al.,
Plaintiffs**

v.

CIVIL NO. 04-1798(DRD)

**UHS OF PUERTO RICO, INC., et al.,
Defendants**

ORDER

MOTION	RULING
Date Filed: 03/17/05 Docket #46 <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant Title: Motion Submitting Translated Exhibits	NOTED.
Date Filed: 04/12/05 Docket # 47 <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant Title: Informative Motion Regarding Vacations	NOTED.
Date Filed: 04/18/05 Docket # 49 <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant Title: First Amended Complaint	NOTED. The Court notes that the First Amended Complaint has been filed after the undersigned authorized said filing.

<p>Date Filed: 04/18/05 Docket # 48 <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant Title: Motion Requesting Substitution of Unidentified Party and Issuance of Summons</p>	<p>GRANTED. The Court deems that the instant motion operates as a motion requesting leave to file an amended complaint pursuant to Rule 15(a), Fed.R.Civ.P. <i>See, Perez v. Cucci</i>, 932 F.2d 1058, 1061, n.10 (3rd Cir. 1991) (“However, the function of the motion, and not the caption, dictates which rule is applicable”). The plaintiff may substitute unidentified defendants as requested, to wit, Dr. Mariela Estacholy-Ramos and Dr. Basilisa Rivera-Rodriguez. Attached to the instant motion are the corresponding summons. The Clerk of the Court is INSTRUCTED to issue new summons to the above mentioned defendants. Plaintiff shall serve the instant summons within thirty (30) days with copy of the complaint and copy of this Order. Dr. Mariela Estacholy-Ramos and Dr. Basilisa Rivera-Rodriguez shall answer the complaint or otherwise plead within twenty (20) days thereafter. All remaining co-defendants shall answer the First Amended Complaint (Docket No. 49) within twenty (20) days. The parties are advised that NO FURTHER EXTENSIONS OF TIME SHALL BE GRANTED. Plaintiff shall move for scheduling of an Initial Scheduling and Case Management Conference as soon as co-defendants appear.</p>
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Further, the Court deems appropriate that in light that the Court has instructed the Clerk of Court to issue summons as to two (2) co-defendants, and that the Court has authorized plaintiffs’ First Amended Complaint to include said co-defendants, the **Initial Scheduling and Case Management Conference scheduled for the 21st day of April 2005 at 5:30 p.m is hereby CONTINUED SINE DIE. Plaintiff shall diligently move for the scheduling of said conference as soon as co-defendants answer the complaint.**

IT IS SO ORDERED.

In San Juan, Puerto Rico this 20th day of April 2005.

S/DANIEL R. DOMINGUEZ
DANIEL R. DOMINGUEZ
U.S. DISTRICT JUDGE